

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

CHRISTOPHER MICHAEL CASTLEBURY,)
)
Plaintiff,)
)
v.) No. 21-03174-CV-S-DPR-SSA
)
MARTIN J. O'MALLEY,)
Commissioner of Social Security,¹)
)
Defendant.)

ORDER

Before the Court is Plaintiff's Motion for 42 U.S.C. §406(b) Fees. (Doc. 26.) Plaintiff's attorney, Cathleen A. Shine, requests an award in the amount of \$14,994.73 as an attorney fee for her representation of Plaintiff in this matter. (Doc. 26-1 at 2.) Defendant does not oppose an award under § 406(b). (Doc. 27.) Upon review, the fee requested is consistent with the Contract between Plaintiff and Ms. Shine (doc. 26-3) and does not exceed the statutory maximum of 25% of the past-due benefits awarded to Plaintiff. Also, the fee requested is reasonable.

Therefore, the Motion is **GRANTED**. Pursuant to 42 U.S.C. § 406(b), Cathleen A. Shine is awarded a fee for services in the amount of \$14,994.73. Furthermore, Ms. Shine shall refund to Plaintiff the amount of \$8,000.00, paid previously as an attorney fee under the Equal Access to Justice Act.

IT IS SO ORDERED.

/s/ David P. Rush
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

DATE: January 11, 2024

¹ Martin J. O'Malley became Commissioner of Social Security on December 20, 2023. Pursuant to Fed. R. Civ. P. 25(d)(1), Martin J. O'Malley is substituted for Kilolo Kijakazi as the defendant in this suit. By reason of the last sentence of 42 U.S.C. § 405(g), no further action need be taken.